

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

July 15, 2003

07/15/03

19704 U.S. PTO  
10/619646  
07/15/03

IR:

This is a request for filing a X CONTINUATION

       DIVISIONAL        CONTINUATION-IN-PART application under

X 37 C.F.R. §1.53(b)        37 C.F.R. §1.53(d), of pending prior application

Serial No. 09/443,067 filed on November 18, 1999 of

Simon Piers Robinson for  
Inventor(s)

POLYPHENOL OXIDASE GENES FROM BANANA, LETTUCE, TOBACCO AND PINEAPPLE

Title of Invention

1.        Enclosed is a copy of the prior application, as originally filed and an affidavit or declaration verifying it as a true copy.
2.        A verified statement to establish small entity status under 37 C.F.R. §1.9 and 1.27  
       is enclosed.  
       was filed in the prior application and such status is still proper and desired (37 C.F.R. §1.28(a)).
3. X The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

	NUMBER FILED		NUMBER EXTRA*		RATE		FEE	
					SMALL ENTITY	OTHER ENTITY		SMALL ENTITY
Total Claims	22-20	=	2	X	9	18	= \$	\$ 36
Independent Claims	4-3	=	1	X	42	84	= \$	\$84
Multiple Dependent Claims Presented: <u>      </u> Yes <u>  X  </u> No					140	280	= \$	\$ 0
*If the difference in Col. 1 is less than zero, enter "0" in					BASIC FEE		\$ 375	\$ 750
					TOTAL FEE		\$	\$ 870

\*If the difference in Col. 1 is less than zero, enter "0" in C 1. 2.

<sup>1</sup> Filing an application pursuant to this section expressly abandons the parent application.

07/18/2003 HABDELRI 00000003 033125 10619646  
Sale Ref: 00000004 DA#: 033125 10619646  
01 FC:1201 168.00 DA

4.   X   The Commissioner is hereby authorized to charge payment of the following fees associated with this application or credit any overpayment to Deposit Account No. 03-3125.
- X   Any additional filing fees required under 37 C.F.R. §1.16.
- X   Any patent application processing fees under 37 C.F.R. §1.17.
- The issue fees set forth in 37 C.F.R. §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. §1.311(b).
5.   X   Three copies of this sheet are enclosed.
6.   X   A check in the amount of \$ 870.00 is enclosed.
7.        Cancel claims   .
8.        Amend the specification by inserting before the first line the sentence: --This is a        continuation        division of application Serial No.                         , filed                         .--
9.               Sheet(s) of        informal        formal drawing(s) is/are enclosed.
10.        Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
11.        Priority of application No.                          filed on                          in                          (country) is claimed under 37 U.S.C. §119.
- The certified copy of the priority application has been filed in prior application Serial No.                         , filed                         .
12.   X   The prior application is assigned of record to Commonwealth Scientific and Industrial Research Organisation
13.   X   A preliminary amendment
14.   X   The power of attorney in the prior application is to:

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (40,837); Gary J. Gershik (Reg. No. 39,992); Richard F. Jaworski (Reg. No. 33,515); Elizabeth M. Wieckowski (Reg. No. 42,226); and Pedro C. Fernandez (Reg. No. 41,741)

- (a) \_\_\_\_\_ The power appears in the original papers in the prior application.
- (b)   X   Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
- (c)   X   Address all future communications to:  
(May only be completed by applicant,  
or attorney or agent of record.)

John P. White

Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

15.   X   Also enclosed Express Mail Certificate of Mailing No.

EV 325 704 423 US, dated July 15, 2003

16. \_\_\_\_\_ I hereby verify that the attached papers are a true copy of prior application Serial No. \_\_\_\_\_ as originally filed on \_\_\_\_\_.

The undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statement and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

July 15, 2003

Date

  
Signature

Gary J. Gershik, Reg. No. 39,992

\_\_\_\_ INVENTOR(S)  
\_\_\_\_ ASSIGNEE OF COMPLETE INTEREST  
  X   ATTORNEY OR AGENT OF RECORD  
\_\_\_\_ FILED UNDER 37 C.F.R. §1.34(a)

Address of Signator:

John P. White  
Cooper & Dunham LLP

1185 Avenue of the Americas

New York, New York 10036

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Simon Piers Robinson  
Serial No. : Not Yet Known  
Filed : Herewith  
For : POLYPHENOL OXIDASE GENES FROM BANANA,  
LETTUCE, TOBACCO AND PINEAPPLE

1185 Avenue of the Americas  
New York, New York 10036  
July 15, 2003

Mail Stop Patent Application  
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SIR:

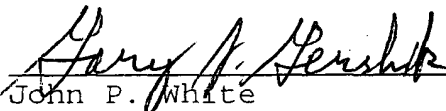
**EXPRESS MAIL CERTIFICATE OF MAILING**  
**FOR ABOVE-IDENTIFIED APPLICATION**

"Express Mail" mailing label number: EV 325 704 423 US  
Date of Deposit: July 15, 2003

I hereby certify that this paper or fee is being deposited to the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:

  
Printed Name: Samuel Rhubert

Respectfully submitted,

  
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